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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,801	10/12/2001	Prathima Agrawal	APP 1454-US	9202
9941	7590	08/09/2005	EXAMINER	
TELCORDIA TECHNOLOGIES, INC.			PARK, JUNG H	
ONE TELCORDIA DRIVE 5G116			ART UNIT	
PISCATAWAY, NJ 08854-4157			PAPER NUMBER	

2661

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/975,801	AGRAWAL ET AL.	
	Examiner	Art Unit	
	Jung Park	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 09/975,910 (hereinafter, "the '910 application"). This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding claim 1, the broader claim would have been obvious in view of the narrower issued claim. Claim 1 of the '910 application recites the limitations, "processing the frame received from either the first base station or the second base station". On the other hand, claim 1 of the instant application recites the limitations, "concurrently processing the frame in the mobile station as received from the first station and the second base station". Therefore, claim 1 of the instant application merely broadens the scope of claim 1 of the '910 application by replacing the "either ... or" with "concurrently ... and ...". Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention that if the mobile station is able to process the frame received from one base station, it has a capability to simultaneously process the frame received from both stations.

Regarding claims 2, 3, 5, 6, 7, 8, 9, 11, 14 and 19, they are claims respectively corresponding to claims 2, 3, 4, 5, 6, 7, 8, 8, 12 and 15 of the '910 application and are therefore rejected with the reason of the provisional rejection based on a nonstatutory double patenting ground.

Regarding claim 4, it is claim corresponding to claim 8 of the '910 application and is therefore rejected because, before processing the packet from base stations in the mobile station, it is required that the

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packet should be sent from one of base station or from both of the base stations to mobile station.

Regarding claims 10 and 12, they are claim corresponding to claim 14 of the '910 application and are therefore rejected with the reason of the provisional rejection based on a nonstatutory double patenting ground.

Regarding claim 13, it is claim corresponding to claims 8 and 12 of the '910 application and is therefore rejected with the reason of the provisional rejection based on a nonstatutory double patenting ground.

Regarding claim 15, it is claim corresponding to claims 13 and 14 of the '910 application and is therefore rejected with the reason of the provisional rejection based on a nonstatutory double patenting ground.

Regarding claims 16-18, the '910 application does not claim the packet processing procedure of IP packets from the base station to the mobile station. However, it would have been obvious to one having ordinary skill in the art at the time of invention was made to applying the IP packet processing procedure since it was known in the art that propagating a packet from one base station to a mobile station includes removing a packet from the wireline frame, passing the packet to the IP layer of the base station, encapsulating the packet as a link layer wireline frame, and propagating the link layer wireless frame over a radio channel coupling the base station with the mobile station. This is the way of communication in wireless LAN that wireless base stations are wired to an Ethernet network and transmit a radio frequency over an area of sever

hundred feet. Encapsulation is the transmission of one network protocol within another. As data moves from down the protocol stack from the network layer (layer-3) to the data link layer (layer-2), each protocol encapsulates the higher level by adding its own header to the block of data passed to it.

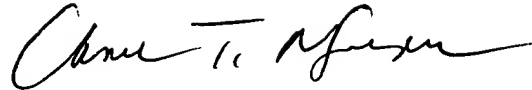
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:10-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JP
Jung Park
Patent Examiner
Art Unit 2661
August 8, 2005



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600